

REMARKS

This amendment is being filed in response to the Office Action mailed August 27, 2002. Claims 1 to 29 are pending. Claims 4 to 26 stand withdrawn from consideration as being directed to a non-elected invention. Claims 1 to 3 have been allowed. By the present amendment, claims 27 to 29 have been canceled herein without prejudice. Applicants maintain the right to prosecute the canceled claims in any related application claiming the benefit of priority of the subject application. New claims 30 to 51, directed to cell permeable inhibitors, methods of producing cell permeable inhibitors, and methods of using cell permeable inhibitors, each of which ultimately depend from claim 1, have been added. Accordingly, upon entry of the amendment, claims 1 to 3 and 30 to 51 are under consideration.

Regarding the New Claims

New claims 30 to 51 are supported throughout the specification. In particular, for example, claims 30 to 35, directed to ring closed cantharidin analogues, are supported by claims 4 to 6 and at page 7, lines 6 to 16, which discloses ring closed cantharidin analogues. Claims 36 to 39 are supported for example, at page 8, lines 6-10, which discloses that cantharidin analogues include those produced by "ring opening," at page 19, lines 4-6 (Scheme 3), and at page 21, line 1, which discloses open ring cantharidin analogue structures. Claims 30 to 39 are also supported, for example, at pages 31 and 32 (Table 4), and Figure 2, which disclose open and closed ring cantharidin analogue structures. Claims 40 to 46 are supported, for example, by originally filed claims 7 to 12. Claims 47 to 49 substantially parallel originally filed claims 27 to 29 and are therefore supported by originally filed claims 27 to 29. Claims 50 and 51 are supported, for example, at page 13, lines 1-7, and at page 15, line 16, to page 16, line 18 (see also, page 30, lines 1-22). Thus, as new claims 30 to 51 are supported by the specification, no new matter has been added and entry thereof is respectfully requested.

Rejection Under 35 U.S.C. §101

The rejection of claims 27 to 29 under 35 U.S.C. §101, as allegedly directed to non-statutory subject matter, is respectfully traversed. Claims 27 to 29 have been canceled herein without prejudice. Accordingly, the rejection is moot and Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §101.

CONCLUSION

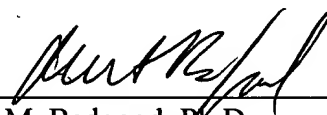
In summary, for the reasons set forth herein, Applicants maintain that claims 1 to 3 and 30 to 51 clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065.

Please charge any additional fees, or make any credits, to Deposit Account No. 03-3975, Order No. 080905-0272441.

Respectfully submitted,

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